



**STATE OF MONTANA
MONTANA DEPARTMENT OF TRANSPORTATION
JOB PROFILE**

☐

Update

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Formal Review

Date Submitted _____

SECTION I - Identification

**Working Title: Real Estate Services
Right of Way Agent IV**

Department: Transportation

Job Code Number: 131976

**Division & Bureau: Engineering
Right of Way Bureau**

Job Code Title: Right of Way Specialist

Section & Unit: Real Estate Services

Pay Band: 6

**Work Address: 2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001**

Position Number: 60004, 60021, 60036, 60041

Phone: 444-6071

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FLSA Exempt

☐

FLSA Non-Exempt

☐

Non-Union

☒

MPEA

☐

Blue Collar

Profile Completed By: Rob Stapley

Work Phone: 444-6063

Work Unit Mission Statement or Functional Description:

The Montana Department of Transportation's (MDT) mission is to serve the public by providing a transportation system and services that emphasize quality, safety, cost effectiveness, economic vitality and sensitivity to the environment.

The Engineering Division prepares projects for bidding and coordinates highway construction. The Division is made up of the Materials, Construction, Right of Way, Bridge, Traffic and Safety, Consultant Design, and Highways bureaus; the Engineering Information section; and five District Construction Offices in Missoula, Butte, Great Falls, Glendive, and Billings for budget and workforce purposes.

The Right of Way Bureau acquires land for transportation projects and administrative needs. It also provides assistance and payments to individuals and businesses relocated by highways; designs the right of way; and arranges for relocating utilities that conflict with highway construction.

The Real Estate Services Section is responsible for administering the MDT's Property Management Program on a statewide basis to ensure Department compliance with policy and statutes; managing the Land Records Management Program; and overseeing collection and maintenance of land acquisition and disposition statistics.

Describe the Job's Overall Purpose:

This position serves as a Right of Way Agent in the Real Estate Services Section (RESS) for the MDT Right of Way (ROW) Bureau. The job's overall purpose is the managing and sale of the Department's excess land. It also includes performing appraisals, negotiations, relocations, and other duties as assigned to assist in the management of the Department's property. The position reports to the Section Supervisor.

SECTION II - Major Duties or Responsibilities

This section should be a clear concise statement of the position's major duties and the approximate percent of work time for each duty

% of Time

A. PROPERTY MANAGEMENT

60%

1. Develops and recommends new or modified policies, procedures, standards, and guidelines related to MDT's property management processes based upon analysis and assessment of property trends, construction needs, changing statutory requirements, and Bureau goals and objectives. This involves assessing changes affecting transportation planning and right of way issues, standards, and requirements; incorporating objectives and recommendations from other Right of Way Agents; evaluating new professional methods and statutory requirements; and monitoring the effectiveness of various projects to identify and recommend new approaches to property management issues.
2. Evaluates the effectiveness of ongoing property management procedures to identify operational efficiencies and resolve problems. Develops and maintains working relationships with other staff, contractors, and others to exchange information regarding program operations and proposed changes.
3. Evaluates multiple and variable factors (i.e., access control, corridor preservation, fishing access, etc.) related to MDT's property ownership. This involves researching available legal and technical documentation (i.e., deeds, easements, right of way agreements, ownership titles, architectural/engineering designs, etc.); coordinating with other construction staff, legal staff, and others; and integrating these factors into negotiations and consequent agreements.
4. Analyzes and evaluates appraisal information to determine appropriate compensation for each parcel of property to be sold by MDT. This involves identification and resolution of discrepancies in factual information, appraisal methods and techniques, and final determinations. The incumbent is responsible for knowing what improvements are located on a specific parcel of property and how those improvements affect the overall value.
5. Researches, collects, and interprets ownership information, highway plans and other pertinent documents to identify MDT's real estate ownership on a statewide basis. Receives and responds to public service requests assigned through the RESS Supervisor, other sections, district offices, other agencies or the public.

6. Identifies excess property no longer required for MDT purposes by reviewing copies of the right of way and construction plans, locating the area on the maps, reviewing the Red Book, and talking with District personnel including the District Administrator.
7. Processes and assists other agents processing properties for sale, land exchanges, leases, discharge of easements, granting of easements, etc. by examining records to determine MDT's ownership interest; reviewing plans and other acquisition documents; obtaining or writing a new legal description and/or exhibit for the parcel; drafting documents, notifying appropriate MDT departments/sections, other State agencies, governmental entities, and FHWA, as appropriate; preparing an Environmental Checklist and obtaining necessary approvals; conducting on-site inspections to identify property boundaries and access; determining need for additional surveys and/or appraisals. Functions are in accordance with the Right of Way Manual policies and procedures as described in Chapter 6, in compliance with the Montana Code Annotated and the Codes of Federal Regulations 23 and 49.
8. Coordinates and conducts public auctions for the sale of surplus real estate, including preparation of advertisements, sale terms and conditions, bid forms, and other requirements; publishes notices of sales; hosts open houses; distributes information and forms to interested parties.
9. Oversees and processes the private sale of surplus real estate, valued under \$10,000, or which does not sell at public auction, including sale terms and conditions and other requirements. Processes the direct sale of property to another governmental entity, as provided for by statute.
10. Performs property closing transactions; oversees and prepares the documents, making sure they are properly signed, notarized and recorded in appropriate county and distributed to the transaction parties, collects and deposits funds through the Accounting Bureau and updates files accordingly.
11. Accounts for excess land by gathered and inputting relevant information into the property register and provides this information to the MDT Accounting Bureau, including updating the property register as properties are identified or sold.
12. Manages the rental and lease agreements for MDT properties. Analyzes and recommends approval of rental and lease agreements; calculates rental and lease fees; coordinates and conducts on-site inspections of rental and lease properties; maintains land holdings and acquired improvements records and land statistics.
13. Process the demolition and sale of improvements located on highway right of way and property owned by MDT. This work includes working with Environmental Services to have the property inspected for asbestos and other possible hazardous materials, and abated if necessary, drafting appropriate documents/contracts, hosting open houses, advertising, reviewing bids, insurance requirements, inspecting job site when finished, working with Civil Rights and Accounting.
14. Provides guidance and technical assistance to Right of Way Agents I, II & III to resolve running complex legal descriptions, document analysis, recommending direction regarding right of way on issues, and dealing with the public.
15. Prepares salvage appraisals. Tracks project related improvements purchased on highway projects and provides an updated list to TORT Claims each year. Reviews bid letting to ensure that all major improvements have been removed from the right of way. If right of way is not clear, writes special provisions to go into highway contract.

B. APPRAISAL

20%

1. Develops and recommends new or modified policies, procedures, standards, and guidelines related to the District's appraisal process based upon analysis and assessment of appraisal and negotiation needs and priorities, changing statutory requirements, professional methods and standards, and Bureau goals and objectives. This involves assessing changes affecting transportation planning and right of way issues, standards, and requirements; incorporating objectives and recommendations from other Right of Way Agents; evaluating new professional methods and statutory requirements; and monitoring the effectiveness of various appraisal projects to identify and recommend new approaches to right of way acquisition and appraisal issues.
2. Reviews and analyzes plans to determine impacts, accuracy, and constructability issues as they affect ROW. Identifies errors and consults with staff to develop and coordinate resolutions. Serves as a project leader to provide guidance to field agents and fee appraisers and ensure the efficiency, safety, and overall quality of individual appraisals. Establishes and monitors project scope, priorities, timelines, and resource requirements. Reviews contentious or complex appraisal reports referred by other Right of Way Agents to verify the technical integrity of methods and conclusions, ensure compliance with state and federal statutory requirements as well as professional standards, and provide quality assurance (i.e., ensure that appraisals correctly represent the value of the property to be acquired).
3. Evaluates the effectiveness of ongoing appraisal procedures to identify operational efficiencies and resolve problems. This involves assessing past, current, and proposed appraisal project operations and results; consulting with subordinate staff, contractors, and supervisors; and continually evaluating changing Department needs to ensure effective program delivery. Develops solutions to a broad range of complex in-progress problems encountered by project staff (e.g., property valuations, contentious determinations, etc.).
4. Researches and evaluates property title information and ownership data to estimate the impacts of various technical and legal issues on the valuation of the subject property. This involves examining building and site-improvement valuation information from various sources; investigating the effects of sanitation regulations, zoning, planning, irrigation rights, covenants and deed restrictions, traffic flow and access control, and other issues; and determining the relative effects on property values.
5. Coordinates and/or conducts site inspections of subject properties and comparable sales to determine sales equivalencies and necessary appraisal adjustments; coordinates contracted services to develop value estimates of site improvements to be purchased; and documents technically and legally defensible valuation conclusions for incorporation into final appraisals. This involves ascertaining the highest and best use of appraisal property, determining and documenting professional assumptions and limiting conditions; determining comparable sales data and appropriate adjustments to subject property valuations; and estimating the value of site improvements to be purchased as well as damages (i.e., due to proposed construction activities).
6. Analyzes and evaluates appraisal information to determine appropriate amounts of State compensation for each parcel of property to be acquired. This involves identification and resolution of discrepancies in factual information, appraisal methods and techniques, and final determinations. As a authority for appraisal projects, the incumbent is responsible for the most contentious and/or complex appraisal projects, such as partial take, multiple use, condemnation, and commercial/residential appraisals and subsequent negotiations.

7. Conducts appraisal reviews as necessary to resolve discrepancies and maintain consistency among appraisal project reports. Recommends appraisal methods and justifications for final compensation adjustments to supervisors and/or review appraisers. Coordinates with District Right of Way Manager and/or Review Appraiser to identify and resolve discrepancies.
8. Provides guidance and technical assistance to Right of Way Agents I, II, and III to resolve unusual or unanticipated problems involving right of way procedures, sensitive or contentious communications with land owners, technical interpretations, and other issues. Coordinates with other Right Of Way personnel to provide quality assurance (i.e., ensure that appraisals correctly represent the value of the property to be acquired).
9. Researches and monitors changing methods, laws, and professional standards related to right of way and real estate appraisals to incorporate appropriate innovations into ongoing project plans. Develops and maintains working relationships with other staff and fee appraisers, professional associations, and others to exchange information regarding program operations and proposed changes.

C. ACQUISITION

15%

1. Researches and examines documentation related to appraisals to determine actual/potential deficiencies; anticipate mediating factors (e.g., environmental concerns, sanitation regulations, zoning, etc.); and explain and clarify specific details of individual appraisals (e.g., procedures, requirements, construction plans, valuation factors, etc.). Researches updated title information, liens and lien satisfactions, tax delinquencies, judgments, and other information and data that may collude or complicate title examinations. Identifies and resolves title discrepancies through extensive research of public records and other means available.
2. Completes technical and legal documentation required for negotiations and final agreements to ensure the accuracy, clarity, and availability of essential information and data related to property appraisals, including right of way agreements specifying the terms and conditions of purchase, deeds, easements, grants of possession, irrigation agreements, tax reimbursement statements, and contact histories related to the subject property.
3. Evaluates multiple and variable factors (e.g., access control, corridor preservation, fishing access, drainage, etc.) related to appraisal and negotiations to ensure just compensation. This involves researching available legal and technical documentation (e.g., ownership titles, conservation easement records, architectural/engineering designs, etc.); coordinating with builders, attorneys, technical specialists, and others; and integrating these factors into negotiations and consequent agreements.
4. Interprets right of way plans, construction plans, and cross-sections for natural features, property interests, construction features and engineering features (e.g., equations, curve data, approach standards, engineering standards, setback requirements and bid specifications) to ensure the compensation adequately reflects the economic impact to the landowner's property. Explains and clarifies elements of plans, agreements, and bid items to landowners. Meets with landowners, often in stressful circumstances (and, usually at their residence) to explain the impacts of the construction activities, present the monetary offer and ascertain landowner conflicts; objections and problems are resolved before the required signatures can be obtained.
5. Negotiates just compensation for real estate acquisitions with staff, landowners, private legal representatives, and others to establish consensus regarding property values and compensation amounts. The incumbent is responsible for negotiating the most complex or contentious acquisition types (e.g., partial take, condemnation, multiple use, etc.). Ensures that

any changes in value between appraisal and completion of negotiations are reflected in final compensation.

6. Resolves contentious and confrontational situations with landowners and/or legal representatives to establish consensus between negotiating parties. This involves consulting with other agents, MDT staff (e.g., legal, hydraulics, design, traffic, etc.), external contractors; explaining and justifying appraisal determinations, procedures, and requirements; and determining appropriate means of resolving conflicts (e.g., monetary, construction, legal, etc.).
7. Recommends modified or expanded work contracts for working around sensitive environmental areas, historical sites and other community interests to resolve disputes with landowners and other affected parties. The incumbent must assess individual circumstances of proposed projects, objections or complaints from interested parties, and the impacts of various alternatives to project parameters (e.g., time, cost, safety, etc.).
8. Exercises delegated authority to offer cash and/or construction incentives to secure agreements with landowners. The incumbent ensures that incentives beyond appraised property values are justified based upon circumstances related to planned construction activities, comparable sales, negotiation proceedings, Department limitations, legal requirements, and other issues.
9. Secures necessary signatures to finalize successful negotiations and agreements. Refers irreconcilable negotiations and impasses to the RESS Supervisor, District Right of Way Manager and/or Right of Way Operations Manager for subsequent action. Provides valuation testimony in court proceedings to explain, justify, and/or defend appraisal methods, evaluations, and final determinations.
10. Resolves landowner damage claims related to construction activities as requested by the District Administrator, Bureau Chief, District Right of Way Manager, or RESS Supervisor. This involves damage assessments, valuations, and negotiations to settle claims (i.e., similar to those required for property acquisitions).
11. Provides guidance and advice to other negotiators on special needs, opportunities, and impediments affecting negotiations. This includes reviewing project details to identify potential incentives, disincentives, and problems (e.g., relocation issues, damage claims, etc.) and coordinating with agents and landowners to address specific needs and interests.

D. OTHER DUTIES

5%

Perform a variety of other duties as assigned by the Section Supervisor and/or the Bureau Chief in support of the MDT mission and Division objectives. This includes exchanging information with consultants, agency staff, and the public; providing training, education, and professional and technical assistance; directing special projects; participating in ongoing training and educational programs; representing MDT at meetings and conferences; and performing a variety of other duties as directed.

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1. ***The following duties and/or specific tasks listed under section II above are considered "essential functions" because they require specialized expertise and skill and are the primary reasons the job exists (they must be performed by this position with or without accommodations):***

Duty A: Property Management

Duty B: Appraisal

Duty C: Acquisitions

The following mental and physical demands are associated with these essential functions:

PHYSICAL

- Light lifting (less than 10 lbs.)
- Carry light items (papers, books, small parts)
- Remaining seated for extended periods of time, with occasional walking; standing; bending
- Travel within the State to project locations, and out of State travel by airline to national conferences and meetings.
- Operating a personal computer
- Communicate in writing, in person, and over the phone
- Ability to drive long distances

MENTAL

- Deal with the public on a regular basis
- Ability to multi-task
- Demands for accuracy in all aspects of work
- Ability to meet inflexible deadlines
- Decision making that affects public health and safety
- Computing arithmetic operations
- Comparing data
- Compiling information
- Analyzing
- Coordinating
- Synthesizing
- Negotiating
- Instructing

2. ***Does this position supervise others?*** ☐ Yes ☒ No

Number directly supervised: 0

Position Number(s) of those supervised: N/A

3. ***Attach an Organizational Chart.***

SECTION III - Minimum Qualifications - List minimum requirements for the first day of work.

Critical knowledge and skills required for this position:

KNOWLEDGE:

This position requires knowledge of the concepts and theories of business administration; real estate appraisal; the principles of eminent domain; real estate law and how it applies to land titles and transfer of documents; information systems development and administration; real estate records administration; negotiation principles and techniques; property management practices; land titles; accounting and audit methods and practices; and Federal and State law and regulations pertaining to the acquisition, disposition, and management of real estate. The position also requires knowledge of land surveying, highway engineering, design, records retention schedules, personnel management, and Title VI of the Civil Rights Act of 1964.

SKILLS:

This position requires skill in examining, interpreting, translating and preparing legal descriptions and restrictions, preparing legal documents and exhibits, and reading and interpreting highway plans. The ability to use microfiche readers, microfilm readers, distance measuring equipment, motion analyzers, and planimeters. Skill in operating and understanding personal computer functions, i.e., electronic indexing, imaging and retrieval skills, Word, Excel and Oracle or similar type applications.

Behaviors required to perform these duties:

See MDT Core Behaviors

Education:

Check the one box indicating minimum education requirements for this position for a new employee the first day of work:

- | | |
|---|--|
| <input type="checkbox"/> No education required | <input type="checkbox"/> Related AAS/2-years college/vocational training |
| <input checked="" type="checkbox"/> High school diploma or equivalent | <input type="checkbox"/> Related Bachelor's Degree |
| <input type="checkbox"/> 1-year related college/voc. training | <input type="checkbox"/> Related Master's degree |

Please specify the acceptable fields of study:

Acceptable: Relevant fields of study include Business Administration, Public Administration, Real Estate, Economics, Finance, Accounting, Communication, and Engineering. Other fields of study will be considered on a case by case basis.

Experience:

Check the one box indicating minimum work-related experience requirements for this position for a new employee the first day of work:

- | | |
|---|---|
| <input type="checkbox"/> No prior experience required | <input type="checkbox"/> 3 years |
| <input type="checkbox"/> 1 year | <input type="checkbox"/> 4 years |
| <input type="checkbox"/> 2 years | <input checked="" type="checkbox"/> 5 or more years |

Other specific experience (optional):

Five (5) years' experience consisting of the following: Four (4) years equivalent work requiring communication or public contact skills involving one or more Right of Way Agent communication-related activities such as persuasion, conflict management, diplomacy, rapport-building, mediation, problem-solving, or decision-making **AND** one (1) year of Right of Way Agent Level III experience with demonstrated ability to perform those required tasks.

Alternative Qualifications:

This agency will accept alternative methods of obtaining necessary qualifications.

- ☒ Yes ☐ No

Alternative qualifications include:

Additional education may be considered on a case by case basis by the panel.

SECTION IV – Other Important Job Information

☐ Fingerprint check

☒ Valid driver's license

☐ Background check

☐ Other; Describe

Other information including working conditions such as shifts, lifting requirements, travel or hours.

SECTION V – Signatures

Signature indicates this statement is accurate and complete.

Employee:

Name: _____ Title: _____

Signature: _____ Date: _____

Immediate Supervisor:

Name: _____ Title: _____

Signature: _____ Date: _____

Bureau Chief:

Name: _____ Title: _____

Signature: _____ Date: _____

Division/District Administrator:

Name: _____ Title: _____

Signature: _____ Date: _____

Department Designee:

Brent Rabe/Designee

Chief Human Resources Officer
Human Resources Division

Signature: _____ Date: _____